



**WESLACO CITY COMMISSION
REGULAR MEETING
MARCH 15, 2011**

On this 15th day of March 2011 at 6:00 p.m., the City Commission of the City of Weslaco, Texas convened in Regular Session at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	Miguel D. Wise
Mayor Pro-Tem	J.F. "Johnny" Cuellar
Commissioner	Robert J. Garza
Commissioner	Rene Rodriguez, Jr.
Commissioner	Gerardo "Gerry" Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Secretary	Elizabeth Walker
City Attorney	Ramon Vela

Also present: Rey Garcia, IT Director; Bret Mann, Finance Director; David Salinas, Public Utilities Director; Veronica Ramirez, Interim Human Resources Director; Police Chief Juan Sifuentes; Fire Marshal Jimmy Cuellar; Jim Cathey, Parks Recreation Specialist; George Garrett, Airport Director; Elvia Rios, Sponsored Projects Manager; and several other staff members and citizens.

I. CALL TO ORDER

- A. Roll Call/Establish a Quorum.
Mayor Wise called the meeting to order. Elizabeth Walker, City Secretary, called the roll; a quorum was established.
- B. Certification of Public Notice.
Mayor Wise certified the public notice of the meeting as properly posted Saturday, March 12, 2011.
- C. Invocation.
Pastor Bob Slade with Love of Christ Lutheran Church gave the invocation.
- D. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance and the Texas Flag.
- E. Mayoral Proclamations.
The Mayor recognized the 2011 Spring Sweet, Onion Blossom, and Onion Fest Courts.

II. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one

commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of Minutes of the Regular Meeting of March 1, 2011. Attachment.
- B. Approval of the lease agreement with the Weslaco Softball/Baseball League through December 31, 2011 to continue providing organized recreational activities at Softball Fields #1, 2, and 3 and concession stands at Weslaco City Park. Attachment.
- C. Approval of the request by Los Pentecostales de Weslaco to use the Civic Center (former Commission Room at Old City Hall) on Wednesday, May 4 and Thursday, May 5, 2011 to prepare and host a National Day of Prayer and waive all fees associated with the event. Attachment.
- D. Approval of a letter of support of an application by Hidalgo Sr. Housing, L.P. for Housing Tax Credits with the Texas Department of Housing and Community Affairs for new construction of an apartment community comprised of 120 units to serve elderly households proposed at the northwest corner of Mile 6 Road and Mile 2 ½ Road and authorize the Mayor to sign the letter. Attachment.

Following clarification of the location of the project as identified in item II.D., Commissioner Rodriguez, seconded by Commissioner Martinez, moved to approve the consent agenda as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

III. APPOINTMENTS

- A. Discussion and consideration to approve Resolution No. 2011-11 and Resolution No. 2011-12 to appoint two members to the Ambulance Advisory Board. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rodriguez, moved to approve Resolution No. 2011-11 and Resolution No. 2011-12 to reappoint Fred McCaleb and Dr. Rodger Heredia, respectively, as two members to the Ambulance Advisory Board. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolutions read as follows:

RESOLUTION NO. 2011-11
A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER
TO THE AMBULANCE ADVISORY BOARD.

WHEREAS, the City of Weslaco has established the Ambulance Advisory Board pursuant to Section 14-1(A) of Ordinance No. 78-39; and

WHEREAS, the terms of the members of this board are for two years; and

WHEREAS, the Ambulance Advisory Board members shall serve without compensation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF

WESLACO, TEXAS THAT Fred McCaleb is appointed to serve a two year term on the Ambulance Advisory Board and the term will begin on April 17, 2011 and expire on April 17, 2013.

PASSED AND APPROVED on this 15th day of March 2011.

RESOLUTION NO. 2011-12
A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER
TO THE AMBULANCE ADVISORY BOARD.

WHEREAS, the City of Weslaco has established the Ambulance Advisory Board pursuant to Section 14-1(A) of Ordinance No. 78-39; and

WHEREAS, the terms of the members of this board are for two years; and

WHEREAS, the Ambulance Advisory Board members shall serve without compensation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Dr. Roger Heredia is appointed to serve a two year term on the Ambulance Advisory Board and the term will begin on April 5, 2011 and expire on April 5, 2013.

PASSED AND APPROVED on this 15th day of March 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

B. Discussion and consideration to approve Resolution No. 2011-13 to appoint a member to the Planning and Zoning Commission. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve Resolution No. 2011-13 to reappoint David Hernandez as a member to the Planning and Zoning Commission. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution reads as follows:

RESOLUTION NO. 2011-13

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER
TO THE PLANNING AND ZONING COMMISSION BOARD.

WHEREAS, the City of Weslaco created and established the Planning and Zoning Commission Board pursuant to Subsection 2-36 of Ordinance No. 291, as codified in the City of Weslaco Code of Ordinances.

WHEREAS, the terms of the members of this board are for three years; and

WHEREAS, the Planning and Zoning Commission Board members shall serve without compensation and unlimited terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT David Hernandez is appointed to serve on the Planning and Zoning Commission Board and the term will expire on the 2nd day of April, 2014.

PASSED AND APPROVED on this 15th day of March, 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- C. Discussion and consideration to approve Resolution No. 2011-14 to appoint a member to the City of Weslaco Arts Council. (Item as requested by Mayor Miguel D. Wise.) Possible action. Attachment.

Commissioner Rodriguez, seconded by Commissioner Rivera, moved to approve Resolution No. 2011-14 to appoint Olivier Van der Graff as a member to the City of Weslaco Arts Council. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution reads as follows:

RESOLUTION NO. 2011-14

A RESOLUTION OF THE CITY OF WESLACO APPOINTING A MEMBER TO THE ARTS COUNCIL.

WHEREAS, by Commission action on November 16, 2010, the City of Weslaco initiated the formation of an Arts Council and authorized the City Attorney to create the 501(c)3 corporations to effectuate its proper establishment; and

WHEREAS, the Council shall be composed of the president of the governing body and executive director of a 501(c)3 corporation and one public member with membership not to exceed nine (9); and

WHEREAS, the terms of the member of this council will be for a term as established in the formational documents; and

WHEREAS, the Arts Council member shall serve without compensation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Olivier Van der Graff is appointed to serve an inaugural term on the Arts Council for a term length to be determined.

PASSED AND APPROVED on this 15th day of March 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

IV. NEW BUSINESS

- A. Discussion and consideration to select the best qualified, most advantageous proposal as vendor for basic network maintenance, internal connections, and other computer services submitted in response to the Request for Proposals under E-rate Year 14 and authorize the Mayor to execute a contract with the selected vendor. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to select Insight as recommended as the best qualified, most advantageous proposal as vendor for basic network maintenance, internal connections, and other computer services submitted in response to the Request for Proposals under E-rate Year 14 and authorize the Mayor to execute a contract with the selected vendor. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Discussion and consideration to authorize staff to apply to the AmeriCorps Youth Harvest program to allow high school seniors to tutor and mentor at the Library at no cost to the City of Weslaco. Possible action. Attachment.

The Mayor requested a briefing on the training on child safety to be provided to volunteers and mentors participating in the program. Commissioner Tafolla, seconded by Commissioner Rivera, moved to authorize staff to apply to the AmeriCorps Youth Harvest program to allow high school seniors to tutor and mentor at the Library at no cost to the City of Weslaco. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and consideration to amend the City of Weslaco Comprehensive Plan Chapter 5, Transportation Thoroughfare Plan, to designate Mile 10 North between Westgate Drive and F.M. 1015 and Mile 6 West (Westgate Drive) between Mile 10 North and Mile 9 (Sugarcane Drive) from a Minor Arterial to a Major Arterial to include 120 feet of Right-of-Way and authorize the Mayor to execute the any related documents. Possible action. Attachment.

The City Manager stated that it remains to be determined if the amendment will change the posted speed; however, additional right-of-way needs to be acquired. Commissioner Martinez, seconded by Commissioner Rivera, moved to amend the City of Weslaco Comprehensive Plan Chapter 5, Transportation Thoroughfare Plan, to designate Mile 10 North between Westgate Drive and F.M. 1015 and Mile 6 West (Westgate Drive) between Mile 10 North and Mile 9 (Sugarcane Drive) from a Minor Arterial to a Major Arterial to include 120 feet of Right-of-Way and authorize the Mayor to execute the any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration to accept the preliminary plan set for the proposed roadway improvements for U.S. 281-Military Highway from FM 493 to FM 88 as prepared by the Texas Department of Transportation and authorize the Mayor to execute the mylar title sheet for inclusion in the final plan set. Possible action. Attachment.

Commissioner Rivera, seconded by Commissioner Martinez, moved to accept the preliminary plan set for the proposed roadway improvements for U.S. 281-Military Highway from FM 493 to FM 88 as prepared by the Texas Department of Transportation and authorize the Mayor to execute the mylar title sheet for inclusion in the final plan set. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. Discussion and consideration to approve Annex C with Appendices 1-4 to the City of Weslaco Emergency Management Plan in compliance with state mandate as well the Community Safe Room Operations Plan. Possible action. Attachment.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve Annex C with Appendices 1-4 to the City of Weslaco Emergency Management Plan in compliance with state mandate as well the Community Safe Room Operations Plan. The motion carried unanimously; Mayor Wise was present, but not voting.

- F. Discussion and consideration to accept the donation of furniture, cabinets, and miscellaneous items from the U.S. Marshal's Office of Brownsville, Texas and authorize an inventory adjustment as appropriate. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to accept the donation of furniture, cabinets, and miscellaneous items from the U.S. Marshal's Office of Brownsville, Texas and authorize an inventory adjustment as appropriate. The motion carried unanimously; Mayor Wise was present, but not voting.

- G. Discussion and consideration of Resolution No. 2011-15 to identify the current City Commissioners and other appropriate staff as authorized signatories for legal, financial documents with BBVA Compass Bank and authorize the execution of any related documents by members of the Commission. Possible action. Attachment.

Commissioner Martinez, seconded by Commissioner Rivera, moved to approve Resolution No. 2011-15 to identify the current City Commissioners and other appropriate staff as authorized signatories for legal, financial documents with BBVA Compass Bank and authorize the execution of any related documents by members of the Commission. The motion carried unanimously; Mayor Wise was present, but not voting.

- H. Discussion and consideration to approve a budget amendment in an amount not to exceed \$24,723.84 for term coverage on Medical Professional Liability & General Liability insurance. Possible action. Attachment.

Commissioner Rivera, seconded by Mayor Pro-Tem Cuellar, moved to approve a budget amendment in an amount not to exceed \$24,723.84 for term coverage on Medical Professional Liability & General Liability insurance. The motion carried unanimously; Mayor Wise was present, but not voting.

- I. Discussion and consideration to increase the contract amount for consulting services by Garcia & Pena, CPAs by \$3,916.25 for additional accounting services needed to complete the audit and authorize a budget amendment as needed. Possible action. Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to increase the contract amount for consulting services by Garcia & Pena, CPAs by \$3,916.25 for additional accounting services needed to complete the audit and authorize a budget

amendment as needed. The motion carried with Commissioner Rodriguez abstaining; Mayor Wise was present, but not voting.

- J. Discussion and consideration to submit 2011 Scoring Criteria on financial transparency to the Texas Comptroller Leadership Circle and authorize the Mayor to execute any related documents. Possible action. Attachment.

The Mayor Pro-Tem stated this would enable the public to inspect City expenditures. Commissioner Rivera, seconded by Commissioner Rodriguez, moved to submit 2011 Scoring Criteria on financial transparency to the Texas Comptroller Leadership Circle and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- K. Discussion and consideration to extend the term of the existing 125 Cafeteria Plan policies for City of Weslaco employees for an additional year at no cost to the City. Possible action. Attachment.

The City Manager clarified that if approved, the agents on record will be extended an additional year. Commissioner Tafolla, seconded by Commissioner Rivera, moved to extend the term of the existing 125 Cafeteria Plan policies for City of Weslaco employees for an additional year at no cost to the City. The motion carried unanimously; Mayor Wise was present, but not voting.

- L. Discussion and consideration to approve the Intergovernmental Cooperative Agreement with the Palm Valley Animal Center to continue participating in the operation of a regional animal shelter at a fee of \$65.00 per animal and authorize the Mayor to execute the agreement. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the item as presented. Commissioner Tafolla, seconded by Commissioner Rivera, moved to amend the motion to approve the Intergovernmental Cooperative Agreement with the Palm Valley Animal Center to continue participating in the operation of a regional animal shelter at a fee of \$65.00 per animal with a 90-day no-fault, no-cause termination clause, and authorize the Mayor to execute the agreement. The motion carried unanimously; Mayor Wise was present, but not voting.

- M. Discussion and consideration to approve the Demand Response Sales and Service Agreement with EnerNOC, Inc. effective June 1, 2011 for a period of 62-months to receive revenue for being available to reduce electricity consumption, authorize a budget amendment upon receipt of funds, and authorize the Mayor to execute the agreement. Possible action. Attachment.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve the Demand Response Sales and Service Agreement with EnerNOC, Inc. effective June 1, 2011 for a period of 62-months to receive revenue for being available to reduce electricity consumption, authorize a budget amendment upon receipt of funds, and authorize the Mayor to execute the agreement. The motion carried unanimously; Mayor Wise was present, but not voting.

N. Status reports:

1. Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment.

Ms. Martha Noell reported that 20,000 copies of the Weslaco magazine had been delivered from the printer and 5,000 copies already had been distributed to travel centers across the state. Onion Fest t-shirts are ready in black, red, and blue. Leadership Mid-Valley is going to Austin next month for the Legislative Session. Finally, Winter Texan mobile home parks report 95% occupancy rates.

2. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco, regarding monthly economic development activities. Attachment.

Mr. Hernan Gonzalez reported on the progress by Aisla/Coat, Gran Café de la Parroquia, the Landing Rights Facility at the Airport, Weslaco Antique Mall, La Hacienda, which is a new retail development on FM 1015, the Academy opening on March 4, and other letters of intent forthcoming at the SDI development. The RGV Word facility has 99 employees, more than the bank ever had. Sales tax receipts are 4.96% ahead of last year, representing \$230,000.00 ahead of budget.

V. **CITY MANAGER'S REPORT**

- A. Report on Financial Status, Departmental Update, Upcoming Meetings and Appointments. Attachment.

The City Manager referred to the report as included in the agenda packet.

- B. Report on Performance Measures through the International City/County Management Association (ICMA).

The City Manager stated the ICMA report on Performance Measures had been submitted by deadline, though he cautioned since this is the first time to conduct such measurements, the data may need to be scrubbed.

- C. Report on Parks and Recreation program. Attachment.

The City Manager referred to the report as included in the agenda packet.

- D. Report on Westgate Drive street improvements and Texas Boulevard traffic light synchronization by the Texas Department of Transportation (TxDOT).

Mr. Valente Olivarez, with TxDOT, stated that the Westgate project constituted a true partnering venture with local, county, regional, state, and federal entities collaborating. The project is expected to last ten months and all property owners will have access throughout construction.

- E. Report on Mid-Valley Day on March 9 during the Legislative Session in Austin.

The City Manager stated that he and several members of the Commission met with the legislative delegation and other key agencies to present Weslaco initiatives.

F. Report on 2011 Municipal Election.

The City Secretary reported that four candidates filed in one district and two candidates filed in the other; the drawing for a place on the ballot will be held Thursday, March 17.

VI. PUBLIC COMMENTS

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. The Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

If you are discussing something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

There were no comments received.

VII. EXECUTIVE SESSION

At 6:56 p.m., Mayor Wise recessed the regular meeting to convene in Executive Session.

At 7:48 p.m., Mayor Wise announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Pending Litigation – Consult with City Attorney regarding suit 2011-DCL-01375, *Aurora Perez Lopez, Homero Lopez, McQueen Produce Corporation v. City of Weslaco and Officer David Ponce in his Official Capacity and Individually and the Fourteen Unknown John Does* pursuant to §551.071 of the Texas Government Code.

Commissioner Rodriguez, seconded by Commissioner Martinez, moved to authorize assigned special counsel Charles Fregerio of San Antonio, Texas to file an answer regarding suit 2011-DCL-01375, *Aurora Perez Lopez, Homero Lopez, McQueen Produce Corporation v. City of Weslaco and Officer David Ponce in his Official Capacity and Individually and the Fourteen Unknown John Does*. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Consultation – Consult with City Attorney regarding the legal issues raised in connection to cancelling the agreements with Meridian Solar and Sigler Winston Greenwood & Associates on the Photo Voltaic Solar Array Project as authorized by §551.071 (2) of the Texas Government Code.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to direct City Attorney to proceed as discussed in Executive Session. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Consultation – Consult with City Attorney regarding the legal issues raised in connection with a new stormwater drain outfall line at Walgreens as authorized by

§551.071 (2) of the Texas Government Code.

Commissioner Martinez, seconded by Commissioner Rivera, moved to direct City Attorney to send appropriate demand letters as discussed in Executive Session. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Consultation – Consult with City Attorney regarding the legal issues raised in connection with possible application termination by the Texas Division of Emergency Management for Hazard Mitigation Program Grants as authorized by §551.071 (2) of the Texas Government Code.

There was no action on this item.

- E. Economic Development - Discussion with the City Manager to authorize economic incentives through The Economic Development Corporation of Weslaco to locate a business prospect in Weslaco as authorized by §551.087 of the Texas Government Code.

There was no action on this item.

IX. ADJOURNMENT

With no other business before the Commission, at 7:53 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to adjourn the March 15, 2011 meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

CITY OF WESLACO

MAYOR, Miguel D. Wise

ATTEST:

CITY SECRETARY, Elizabeth M. Walker

MAYOR PRO-TEM, J.F. “Johnny” Cuellar

(absent)
COMMISSIONER, Robert J. Garza

COMMISSIONER, Rene Rodriguez, Jr.

COMMISSIONER, Gerardo “Gerry” Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez